IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2007

CORAM:

THE HONOURABLE MRS.JUSTICE PRABHA SRIDEVAN

Writ Petition No.790 of 2007

Thiruvalluvar Teacher Training Institute
rep. by its Correspondent,
Mr.K.M.G.Rajendran,
Ammanankuppam Railway Station Road,
Gudiyatham,
Vellore District,
PIN-635 803. .. Petitioner

Vs.

1. The Secretary to Government,
   School Education Department,
   Government of Tamil Nadu,
   Fort St.George, Chennai-9.

2. The Director of Teacher Education,
   Research & Training,
   D.P.I.Campus,
   Nungambakkam,
   Chennai-600 006.

3. The Regional Director,
   National Council for Teacher Education,
   Southern Regional Committee,
   First Floor, C.S.D. Complex,
   HMT Township,
   Bangalore-560 031.

4. The Principal,
   District Institute of Education and Training,
   Ranippettai,
   Vellore District. .. Respondents

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Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records in respect of impugned order passed by the second respondent vide its proceedings in Na.Ka.No.1248/E1/2006 dated 01.12.2006 and quash the same and direct the second respondent to approve the list of faculties (staff members) submitted by the

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petitioner dated 14.11.2006 and forwarded by the 4th respondent vide its proceedings dated 20.11.2006 for the academic year 2006-2007.

For petitioner : Mr.R.Sureshkumar

For respondents: Mr.Pa.Kathirvel, Govt.Advocate
for R1, R2 and R4

Mr.S.Udayakumar, Standing Counsel
for R3

O R D E R

By consent of both the parties, the main writ petition itself is taken up for disposal.

2. The writ petitioner is a Teacher Training Institute, which was duly recognised by the National Council for Teacher Education (NCTE) on 08.11.2006. The staff list submitted for approval by the petitioner to the second respondent was rejected and therefore, the present writ petition has been filed. Two reasons are given by the second respondent for the return of the staff list, the first reason is that the proposal is received after 20.11.2006 and the second reason is that the Social Science Lecturer, V.Geetha is working in another Teacher Training Institute. The procedure followed by all these Teacher Training Institutes is that, while submitting a fresh staff list for approval, the applicant has to produce the necessary documents before the Principal, District Institute of Education and Training (DIET), the fourth respondent. The Teachers are also produced in person before the fourth respondent so that the fourth respondent may satisfy himself / herself with regard to the genuineness of the persons whose names are included in the staff list. Thereafter, the Principal, DIET countersigns these proposals and forwards it to the second respondent for approval. Several writ petitions are filed, where ex-facie errors are found in the impugned orders and therefore it is necessary that some guidelines are laid down to avoid such proliferation of writ petitions.

3. In the first instance, it is clear that the second respondent has prepared a Computer Format in which necessary alterations are made with regard to the date, name of the Institution and the name of the staff member. However, in most of the writ petitions, one of the reasons for return is that the proposal is received after 20.11.2006, whereas even the reference numbers in the said proceedings would show that the proposal of the petitioner Institution had been received by the Principal, DIET on 20.11.2006 and forwarded by him. In some cases, the proposal has

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been submitted on 18.11.2006 or any other date before 20.11.2006 and yet the impugned order shows that the proposal is received after 20.11.2006. We expect the second respondent to apply his mind before rejecting any application on the ground that the proposal has been belatedly received. It is open to the second respondent to satisfy himself / herself by verification of the records as to the date on which the petitioner Institution had submitted its proposal.

4. The second reason for which the staff list approval is rejected is that it has not been countersigned by the appropriate authority. In some cases, it has not been countersigned by the Principal, DIET. The Institution submits their proposals to the Principal, DIET, who forwards it to the second respondent. If the fourth respondent has not countersigned it in the appropriate places, the Institution cannot be faulted for the same. It is for the second respondent to take to task the fourth respondent for not discharging his duty diligently and correctly.

5. The third reason is some of the applications are rejected on the ground that Experience Certificate has not been countersigned by the appropriate authority. Though in the guidelines given to the respondents, as admitted by the Government Pleader, one of the authorities to countersign is the AEEO, it appears that, in practice, the respondents only accepts those Experience Certificates which are countersigned by DEO. This cannot be accepted. If the guidelines permit the Experience Certificates to be countersigned by AEEO, then, Experience Certificates countersigned by AEEO have to be accepted by the respondents. If the respondents are of the opinion that the counter signature has to be made by a Superior Officer, it is for them to immediately issue guidelines so that the Institutions are not left in any doubt as to the authority whose signature has to be obtained.

6. The fourth reason why the applications are rejected is that the respondents are of the opinion that the Teacher is working in another Teacher Training Institute and one individual cannot work in two places. I very much appreciate the concern of the respondents with regard to this kind of malpractice where teachers are on the rolls in two Institutions. But, however, in numerous cases, the application is rejected with the following words,

"working in another TTI. The individual cannot work in two places".

Sometimes, the petitioner Institutions produce records to show that the Teachers had been relieved from one of the Teacher Training Institute long before the impugned order was passed. Therefore it

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is always better for the respondents to indicate the names of the two institutions under which the Teacher is allegedly working.

7. Yet another reason for the rejection of the staff list is that the experience certificate is not in the proper format. It is admitted on behalf of the respondents that there is no fixed format for the same. In such an event, this ground for rejection cannot be sustained. It is always open to the respondents to indicate what factors have to be mentioned in the certificate. This will be of use to the applicants also. The qualifications prescribed by NCTE have also undergone a change and the norms and standards for Elementary Teacher Education Programme leading to Diploma in Education (D.Ed.) which has been gazetted on 11.12.2006 read as follows:

"4.0 Staff

4.1 Academic

4.1.1 a(i) Number (for an intake of 50 each year, total 100 in the 2 years).

Principal - 1
Lecturers - 5

4.1.1.a(ii) Additional intake which will be in the multiple of 50 student, the number of full time teacher educators shall be increased by three.

4.1.1.a(iii) Appointment of teachers shall be such as to ensure the availability of expertise for all methodology courses and foundation courses.

4.1.1.a(iv) For activities such as Health and Physical Education, Art, Work, Experience, Music, ICT etc., part-time teachers may be appointed.

4.1.1(b) Qualifications:

Principal

(a) Academic and professional qualification will be as prescribed for the post of lecturer; and

(b) 2 years' experience of teaching in an elementary teacher education institution.

Lecturer

(a) M.Ed.(or M.A. Education with B.Ed.) and diploma in Elementary Teacher Education / 5 years' teaching experience in recognized elementary school / elementary teacher education institution.

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OR

(b) Master's Degree in relevant school subject and Bachelor of Elementary Education or B.Ed. With Diploma in Elementary Education with five years' teaching experience in elementary school / teacher education institution."

From this, it is also seen that as against the staff requirement of 1 + 11, it is only 1 + 5 for an intake of 50 and 1 + 8 for an intake of 50 + 50. This may also be borne in mind by the respondents while considering the applications.

8. In the present case, learned counsel for the petitioner submits that the proposal was submitted to the fourth respondent on 20.11.2006 who had also forwarded it immediately. As regards the teacher, V.Geetha, according to the learned counsel for the petitioner, she is not working in any other Teacher Training Institute. Hence, it is directed that the matter shall be reconsidered by the second respondent and if the second respondent is of the opinion that the teacher V.Geetha is working in another Teacher Training Institute, it is always open to the second respondent to indicate the Teacher Training Institute where she is said to be working and thereafter reject the petitioner's application for approval of staff list. The matter shall be reconsidered within a period of eight weeks from the date of receipt of a copy of this order. Consequently, M.P.No.1 of 2007 is closed. No costs.

km

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Secretary to Government,
   School Education Department,
   Government of Tamil Nadu,
   Fort St.George, Chennai-9.

2. The Director of Teacher Education,
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   D.P.I.Campus,
   Nungambakkam,
   Chennai-600 006.

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3. The Regional Director,
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   Southern Regional Committee,
   First Floor, C.S.D. Complex,
   HMT Township,
   Bangalore-560 031.

4. The Principal,
   District Institute of Education and Training,
   Ranippettai,
   Vellore District.

+ 1 cc to Mr. R. Suresh Kumar, Advocate, SR No.1675

+ 1 cc to Mr. S. Udaykumar SCGSC, Advocate, SR No.1865

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